

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Horticulture Department – Disciplinary proceedings initiated against Sri M.B. Gopala Swamy, formerly Deputy Director of Horticulture(now retired), Rajahmundry for allegations of irregularities in sanction of financial assistance to the Coconut farmers of East Godavari District to control Eriophid Mite attack - Further action dropped – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 472

Dated: 12-04-2010

Read the following:-

1. From the G.A.(V&E)Dept., Vigilance Report No.7(61/V&E/D2/2004), dt.03-02-2004.
2. Govt.Memo No.1820/Vig.II(2)/2004-1, dt.10-02-2004.
3. From CoH, Hyd. Lr.No.Estt-VI-163/2004, dt.17-03-2005.
4. GORt.No.851, Agri. & Coop.(Vig.II)Dept., dt.27-08-2005.
5. From Sri M.B.Gopala Swamy, DDH(Retired), Written statement of defence, dt.10-11-2005.
6. GORT.No.974, Agri. & Coop.(Vig.II)Dept., dt.30-07-2007.
7. GORt.No.369, Agri. & Coop.(Vig.II)Dept., dt.29-03-2008.
8. From Sri H. Arun Kumar, E.D., S.H.M, Hyd. & Inquiry Officer, Inquiry Report dt.22-09-2008.
9. Govt.Memo No.1820/Vig.II(2)/2004-26, dt.11-02-2009.
10. From Sri M.B.Gopala Swamy, DDH(Retired), Representation, dt.20-03-2007.
11. From A.P.A.T. Order dt.15-12-2009 in the O.A.No.5494/2006

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ORDER:

During the year 2001, Government have allocated Rs.88.60 lakhs to East Godavari District in the first phase towards 50% financial assistance @ Rs. 363/- per ha (Rs. 2.42 per each palm x 150 palms) to control Eriophid mite infestation on coconut palms in the year 2001 to spray pesticides vide G.O.Rt.No. 425, A&C Dept dt. 8.5.2001. In turn, the District Collector, East Godavari formed Committees at district and mandal levels for distribution of financial assistance to the coconut farmers through Mandal Revenue Officers and the Deputy Director of Horticulture was to act as the Convener at the district level. The Mandal Revenue Officers got the above funds distributed directly through Village Administrative Officers/Panchayat Secretaries based on the particulars recorded in adangal to the eligible beneficiaries.

2. In its report dt.2.2004, the G.A.(V&E) Dept. have communicated an enquiry report according to which 9 Mandal Revenue Officers and 21 Panchayat Secretaries were held responsible for the misappropriation of the total amount of Rs.66,816/- and Rs.3,150/- to be recovered for the dereliction of duties, slack supervision, falsification of records and temporary misappropriation.

3. A total amount of Rs.9.74 lakhs shown as distributed in the acquittances was utilized for other purposes through passing resolutions by gram panchayats. This was done at the behest of Sarpanches, Village Committees, Panchayat Secretaries and Mandal Revenue Officers concerned. The same may have be recovered and credited to the Government. Along with

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the above, V&E report also suggested to take disciplinary action against concerned officers for the lapses in implementation of financial assistance released for control of Eriophid mite infestation on coconut palms in East Godavari District.

4. In the reference 4th read above, Government initiated departmental proceedings by framing (5) five articles of charges against Sri M.B.Gopala Swamy, formerly Deputy Director of Horticulture (Retired), Rajahmundry. The Charged Officer Sri M.B. Gopala Swamy, Deputy Director of Horticulture (Retired) has submitted his written statement of defence denying the charges framed against him. As the written statement of defence submitted by the Charged Officer was not found satisfactory, Government appointed Sri K. Surendranath, Addl. Director of Horticulture as Inquiry Officer to conduct a regular inquiry into the charges framed against the Charged Officer, Sri M.B.Gopala Swamy, Deputy Director of Horticulture (Retired). Subsequently, Government appointed Sri H. Arun Kumar, Executive Director, State Horticulture, Hyderabad as Inquiry Officer in place of Sri K. Surendranath, Addl. Director of Horticulture, who retired from public service. The Inquiry Officer, after conducting regular inquiry, has submitted the Inquiry Report concluding that out of (5) charges, the Charges-2 & 5 were held proved against the Charged Officer, Sri M.B.Gopala Swamy, Deputy Director of Horticulture(Retired).

5. In the reference 9th read above, while communicating a copy of the Inquiry Report, the Charged Officer was requested to submit his representation on the findings of the Inquiry Officer. In the reference 10th read above, Sri M.B.Gopala Swamy, Deputy Director of Horticulture (Retired) has submitted his representation denying the findings of the Inquiry Officer and requested to drop further action against him.

6. In the reference 11th read above, the A.P.A.T., in its orders dt.15-12-2009 in the O.A.No.5494/2009 filed by Sri M.B.Gopala Swamy, Deputy Director of Horticulture(Retired) have delivered the judgment as follows:-

“..... In view of the above, as the enquiry is completed and the applicant has also submitted his explanation to the enquiry officer's report, the O.A. is disposed of, directing the respondents to pass final orders in the disciplinary proceedings within a period of three months from the date of receipt of this order. If no final orders are passed within stipulated time, the respondents shall release all the pensionary benefits, notwithstanding the fact that the disciplinary proceedings are pending against applicant.”

7. Government have examined the entire matter carefully with reference to the record of inquiry and observed that the entire process of distribution was done by the concerned District Collectors, Mandal Revenue Officers and Panchayat Secretaries. As far as the Deputy Director of Horticulture is concerned, he may have to explain only the technical implementation part of the scheme regarding distribution of pesticides. There were five charges out of which four charges are vague without specifying the malafide or prima facie against the officer. In the Charge-3, the statistical information about the amount allotted, the entire amount was refunded a little later from the due date

excepting one mandal i.e., Ambajipet. The Mandal Revenue Officer has No. 5 says that utilization certificate was issued for Rs.88,57,563/- whereas the actual expenditure was shown as Rs.73,72,503/-. The entire processing of disciplinary case took 4 (four) long years. In the meanwhile, the officer had retired and no retirement benefits were released to him so far. Not even a provisional pension was sanctioned. In this regard, in an O.A. filed by the officer (retired on 30.11.2004), the APAT has issued interim order by the Government to release provisional pension to the applicant within a period of six weeks from 14.9.2006. The enquiry officer in his report has not substantiated any of the charges except a small finding that there is lapse on the part of the Charged Officer in ascertaining the actual expenditure incurred by the Mandal Revenue Officers in distribution of financial assistance to the farmers. He opined that the Charged Officer should have ascertained the actual report before submitting the Utilization Certificate for signature of the Collector. The APAT in its order dt. 15/12/2009 in the OA earlier filed by the Charged Officer has issued orders directing the respondents to pass final orders in the disciplinary proceedings within a period of 3 months from the date of receipt of their order. If no final orders are passed within the stipulated time, the respondents shall release all the pensionary benefits, notwithstanding the fact that the disciplinary proceedings are pending against the applicant. Overall observations of the Government are as follows:-

- i) It is around nine (9) long years since the so called allegations were leveled. Nothing has been proved conclusively even after so long a span of time;
- ii) Though the officer has retired some 5 years ago, even his pension and other benefits have not been released to him even after the direction of APAT.
- iii) Overall governmental action or the lack of it in this matter is not only delayed beyond any reasonable time limit, but also goes against the direction of the Tribunal.
- iv) Therefore, in the considered view, it is necessary to release the pension along with related benefits to Mr. M.B. Gopalaswamy immediately keeping in view the direction of APAT.
- v) It is more than 5 years since he has retired. No worthwhile purpose would be served by digging into the matter further. Total governmental efforts during last nine (9) years have not bore any worthwhile fruits. Hence, it may just close the issue at governmental level and ensure that timely action in similarly placed cases shall be taken up promptly in future.

8. In the ultimate analysis, Government have consciously decided to drop further action against Sri M.B.Gopala Swamy, formerly Deputy Director of Horticulture(now retired), Rajahmundry, East Godavari District and to release the pension along with related benefits to him, immediately keeping in view of the direction of A.P.A.T.

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9. As such, Government hereby drop all further action against Sri M.B.Gopala Swamy, formerly Deputy Director of Horticulture (now retired), Rajahmundry, East Godavari District. All pensionary and related benefits shall also be released to him forth with. As he has retired 5 years ago, the same shall be paid to him cumulatively and expeditiously.

10. The Director of Horticulture, A.P., Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. GOEL
A.P.C. & SPECIAL CHIEF SECRETARY TO GOVERNMENT,ATM

To
Sri M.B.Gopala Swamy,
formerly Deputy Director of Horticulture (now retired),
Rajahmundry, East Godavari District through Director of Horticulture,
Hyderabad.

Copy to:-

The Director of Horticulture, A.P., Hyderabad.
The General Administration (V&E) Department
The Secretary, A.P.V.C., Hyderabad.
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// FORWARDED::BY ORDER //

SECTION OFFICER